UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/611,471	06/30/2003	Yan Feng	P3510	1591

24739 7590 03/06/2007 CENTRAL COAST PATENT AGENCY, INC 3 HANGAR WAY SUITE D WATSONVILLE, CA 95076	**EXAMINER** WU, RUTAO

ART UNIT	PAPER NUMBER
3628	

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	03/06/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

PTOL-90A (Rev. 10/06)

	Application No.	Applicant(s)
Office Action Summary	10/611,471	FENG ET AL.
	Examiner	Art Unit	
	Rob Wu	3628	

-- *The MAILING DATE of this communication appears on the cover sheet with the correspondence address* --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on _04 December 2006_.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) _1-38_ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) _1-38_ is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____ .

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1.   A request for continued examination under 37 CFR 1.114, including the fee set

forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this

application is eligible for continued examination under 37 CFR 1.114, and the fee set

forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action

has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on

December 04 2006 has been entered.

Response to Arguments

2.   Applicant's arguments filed December 04 2006 have been fully considered but

they are not persuasive.

The applicant amended claim 1 to recite "a data repository accessible to the

server node for storing at least one pricing data model which includes rules for

manipulating the model" and argues that Carter (U.S. Pat No. 5,878,400) does not

disclose that the model includes rules for manipulating the model. The Examiner

respectfully disagrees.

Carter discloses that when a customer is selected in the present invention, all of

the groups to which that customer belongs, and all pricing adjustments for which each

group is eligible, are identified. (col 3: lines 29-33) From the disclosure it can be seen

that Carter teaches the pricing data model includes rules for manipulating the model. It

is obvious that Carter's pricing data model includes the rule to find all of the price

adjustments available.

Claim Rejections - 35 USC § 102

3.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4.   Claims 16-19, 22, 25, 27-31 rejected under 35 U.S.C. 102(b) as being anticipated

by U.S. Pat No. 5,878,400 to Carter, III.

Referring to claim 16:

An automated pricing system for calculating pricing for items and item orders

comprising:

A pricing server component for calculating pricing based on pricing factors used

in at least one pricing sequence; (col 3: lines 56-62)

A software application suit for calculating prices for pricing requests received by

the system further comprising:

A pricing management application for creating at least one pricing model

and for updating and editing the at least one model; (col 12: lines 46-49, 62-65)

A model validation component included in the at least one model for

testing the integrity of the at least one pricing model; (Fig 6-14)

A pricing list generator for generating line item pricing lists; and (col 10: lines 18-21)

At least one application program interface for enabling third-party applications of varying platforms to communicate with the pricing server component; (col 5: lines 55-60)

Characterized in the pricing requests received are handled by the software application in automated fashion by accessing at least one pricing data model for one or a combination of product-based pricing, product scope pricing, contract pricing, tiered pricing, and bundled pricing scenarios by matching rule constraints to requests parameters for each pricing factor in a given pricing sequence used by the application to calculate pricing for a given request, according to the selected model. (col 14: lines 15-34; Fig 7)

Referring to claim 17:

The system of claim 16 wherein pricing requests are received from a business-to-business server having data-network-access to the application suit, the requests generated in an automated fashion and routed to and queued in a machine hosting the server component of the application. (col 5: lines 55-57)

Referring to claim 18:

The system of claim 16 wherein the pricing requests are received from clients having data-network-access to an enterprise hosted Web server connected to the data network, the requests routed to and queued in a machine hosting the server component of the application. (col 5: lines 61-65)

Referring to claim 19:

The system of claim 16 wherein the requests are received from a client operating from a wireless network-capable device through a wireless interface having access to the application, the requests routed to and queued in the pricing server for processing. (col 5: lines 61-65)

Referring to claim 22:

The system of claim 16 wherein there are multiple pricing models applicable to different pricing methods. (col 6: lines 22-31)

Referring to claim 25:

In an automated pricing system for calculating pricing for items and item orders, the system including a pricing application running on a server node, and a data repository accessible to the server node for storing at least one pricing data model and rules for manipulating the model, a method for price calculation of an item in the pricing request comprising steps of:

(a) receiving the pricing request for processing and selecting at least one pricing data model from the data repository; (col 18: lines 64-67)

(b) identifying an item pricing sequence comprising pricing factors used in calculating, according to the model; (col 18: lines 52-55)

(c) accessing the rules for the first listed factor in the sequence having associated rules; (col 19: lines 21-23)

(d) sorting the rules based on constraint matching to parameters in the request; (col 19: lines 23-40)

(e) eliminating those rules that do not match the request parameters; (col 19: lines 42-43)

(f) applying the value of the remaining rule that most closely matches the request parameters to the factor; (col 19: lines 16-20)

(g) repeating steps (c) through (f) for each factor in the sequence that has associated rules; and (col 19: lines 21-40)

(h) calculating the price of the item using the values assigned to the factors of the sequence. (col 19: lines 43-50)

Referring to claim 27:

The method of claim 25 wherein in step (b) the pricing sequence is an item pricing sequence selected by default according to the pricing model. (col 18: lines 60-63)

Referring to claim 28:

The method of claim 25 wherein in step (c) the rules are accessed from a data repository containing the pricing model data. (col 19 lines 4-6)

Referring to claim 29:

The method of claim 25 wherein in step (c) the rules for the factor specify necessarily, the item being processed, a customer requesting the item pricing, and the sequence factor associated with the rule, and optionally, an item category associated with the item, an effective data of the rule, and expiry date of the rule, and the minimum and maximum quantity ranges of the item ordered. (col 18: lines 65-67)

Referring to claim 30:

The method of claim 25 wherein in step (d) the parameters in the request specify,

a request date, a customer that initiated the request, the item being processed, and the

sequence used to calculate the pricing, and optionally, a contract date, a sales channel,

and attributes assigned to the customer, item, and channel. (col 19: lines 6-9)

Referring to claim 31:

The method of claim 25 wherein an additional step is required between steps (e)

and (f) for conflict resolution in case of more than one candidate rule remaining after

step (e) (col 19: lines 21-40)

Claim Rejections - 35 USC § 103

5.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set
> forth in section 102 of this title, if the differences between the subject matter sought to be patented and
> the prior art are such that the subject matter as a whole would have been obvious at the time the
> invention was made to a person having ordinary skill in the art to which said subject matter pertains.
> Patentability shall not be negatived by the manner in which the invention was made.

6.   Claims 1-15, 20, 21, 23, 24, 26, 32-38 are rejected under 35 U.S.C. 103(a) as

being unpatentable over U.S. Pat No. 5,878,400 to Carter, III.

Referring to claim 1:

An automated pricing system for calculating pricing for items and item orders

comprising:

A server node connected to a data network for serving pricing information; (col 5:

lines 58-60)

A pricing application running on the server node for calculating the pricing information served; and (col 5: lines 58-60

A data repository accessible to the server node for storing at least one pricing data model which includes rules for manipulating the model; (col 19: lines 4-6; Fig 15B)

Carter discloses that when a customer is selected in the present invention, all of the groups to which that customer belongs, and all pricing adjustments for which each group is eligible, are identified. (col 3: lines 29-33) From the disclosure it can be seen that Carter teaches the pricing data model includes rules for manipulating the model. It is obvious that Carter's pricing data model includes the rule to find all of the price adjustments available.

Characterized in that the server node receives requests for pricing, accesses at least one pricing data model having rules created for pricing factors used in at least one pricing sequence to price an item or items of the request and uses the pricing application to calculate the correct pricing results including sub totals and total amounts for the request based on sorting and conflict resolution of the rules accessed for each factor, according to the selected model. (col 9: lines 43-67)

Referring to claim 2:

The pricing system of claim 1 wherein the data network is the Internet network. (col 5: lines 58-60)

Referring to claim 3:

The pricing system system of claim 1 wherein the data network is a local area network connected to the Internet network. (col 5: lines 61-65)

Referring to claim 4:

The pricing system of claim 1 wherein pricing requests are received from a

business-to-business server connected to the data network the requests generated in

an automated fashion and routed to and queued in the pricing server for processing.

(col 5: lines 55-57)

Referring to claim 5:

The pricing system of claim 1 wherein the pricing requests are received from

clients accessing an enterprise hosted Web server connected to the data network, the

requests routed to and queued in the pricing server for processing. (col 5: lines 61-65)

Referring to claim 6:

The pricing system of claim 1 wherein the requests are received from a client

operating from a wireless network-capable device through a wireless interface having

connection to the data network, the requests routed to and queued in the pricing server

for processing. (col 5: lines 61-65)

Referring to claims 7 and 20:

Carter does not expressly disclose the pricing system of claim 1 wherein the

pricing requests are received from a third-party price configuration application running

on a node connected to the data network. Carter states that the invention is typically

implemented with a remote terminal or computer which communicates with the server

via a wired or wireless connection. (col 5: lines 56-58, 63-64) Therefore, it is obvious

that Carter's invention can be used with a third-party application, such as a web

browser, running on a node connected to the data network.

Referring to claim 8:

The pricing system of claim 1 wherein the served pricing information is item

pricing generated in the form of a pricing list. (col 9: lines 59-67)

Referring to claims 9 and 21:

Carter does not expressly disclose the pricing system of claim 1 wherein the

pricing information includes indication of profit margin for each item and for the order.

However, Carter does disclose knowing the Base Cost of the products and having the

Base Cost as an override operation. (col 15: lines 1-3) Therefore, it is obvious Carter

knows the profit margin of the products. It can simply be calculate from the known Base

Price and the Final price.

Referring to claim 10:

The pricing system of claim 1 wherein there are multiple pricing models

applicable to different pricing methods. (col 6: lines 22-31)

Referring to claims 11 and 13:

The pricing system of claim 10 wherein the methods include product-based

pricing, product scope pricing, contract pricing, tiered pricing, and bundled pricing. (Fig

7)

Referring to claim 12:

The pricing system of claim 1 wherein there is one pricing model extensible to

reflect multiple pricing methods. (col 7: lines 54-63)

Referring to claim 14:

The pricing system of claim 1 wherein the repository is part of a legacy system. (col 5: lines 18-20)

Referring to claim 15:

The pricing system of claim 1 wherein pricing rules are accessed and, sorted and resolved for conflict in sequence for each listed factor having rules in the order that each factor exists in the at least one pricing sequence starting with the first factor in the first sequence. (col 19: lines 20-40)

Referring to claim 23:

Carter does not expressly disclose the system of claim 16 wherein the third-party applications used the at least one API for translating platform dependent markup languages to enable cross communication between a client platform and the platform hosting the software application. However, Carter discloses that his invention may be implemented in any type of computer system or programming or processing environment. Carter further states that the invention is typically implemented with a remote terminal or computer which communicates with the server via a wired or wireless connection. (col 5: lines 56-58, 63-64) Therefore, it is obvious that Carter's invention can be used with a third-party application, such as a web browser, which translates with platform dependent markup language and is able to cross communicate between a client platform and the platform hosting the software application.

Referring to claim 24:

Carter discloses the following:

The system of claim 23 wherein client platforms capable of cross-communication with the software application include CTI telephony platforms including Interactive Voice Response systems, platforms using Wireless Markup Language, Voice over Internet Protocol, Hypertext Markup Language, and Extensible Markup Language. (col 5: lines 55-67)

Referring to claim 26:

Carter does not expressly disclose the method of claim 25 wherein in step (a) the request has more than one item listed for pricing and the method is repeated for each item in the request using the same pricing sequence. Carter discloses that in step 1506 the user specifies products, price adjustments or other user selected parameters. (col 18: lines 65-67) Therefore, it is obvious that Carter's invention can accept a request with multiple items. It is also obvious that the pricing method is repeated for each item in the requests using the same pricing sequence because Carter states in step 1524 the various Pricing Types included in the sorted pricing adjustments are applied in the user specified pricing sequence. Thus, the price of the user specified product is increased, decreased, and/or overridden until the final price is determined. (Col 19: lines 46-50)

Referring to claim 32:

In an automated pricing system for calculating pricing for items and item orders, the system including a pricing application running on a server node, and a data repository accessible to the server node for storing at least one pricing data model including rules for manipulating the model, a method for price calculation of the total figure of multiple items in the pricing request comprising steps of:

Carter discloses that when a customer is selected in the present invention, all of the groups to which that customer belongs, and all pricing adjustments for which each group is eligible, are identified. (col 3: lines 29-33) From the disclosure it can be seen that Carter teaches the pricing data model includes rules for manipulating the model. It is obvious that Carter's pricing data model includes the rule to find all of the price adjustments available.

(a) after items have been individually priced using a pricing sequence, identifying an order pricing sequence comprising factors used in calculating totals according to the at least one pricing data model; (col 19: lines 43-50)

(b) accessing rules for the first listed factor in the sequence having associated rules; (col 19: lines 21-23)

(c) sorting the rules based on constraint matching to parameters in the request; (col 19: lines 23-40)

(d) eliminating those rules that do not match the request parameters; (col 19: lines 42-43)

(e) applying the value of the remaining rule that most closely matches the factor; (col 19: lines 16-20)

(f) repeating steps (b) through (e) for each factor in the sequence that has associated rules; and (col 19: lines 21-40)

(g) calculating the order total for the order using the values assigned to the factors of the sequence. (col 19: lines 43-50)

Referring to claim 33:

The method of claim 32 wherein in step (a) the order pricing sequence is selected by default according to the pricing model. (col 18: lines 60-63)

Referring to claim 34:

The method of claim 32 wherein in step (b) the rules are a part of the pricing model data. (col 19 lines 4-6)

Carter discloses that when a customer is selected in the present invention, all of the groups to which that customer belongs, and all pricing adjustments for which each group is eligible, are identified. (col 3: lines 29-33) From the disclosure it can be seen that Carter teaches the pricing data model includes rules for manipulating the model. It is obvious that Carter's pricing data model includes the rule to find all of the price adjustments available.

Referring to claim 35:

The method of claim 32 wherein in step (g) the order reflects one or a combination of a bundle discount, a group discount, and a volume discount. (Fig 7)

Referring to claim 36:

The method of claim 32 wherein an additional step is required between steps (d) and (e) for conflict resolution in case of more than one candidate rule remaining after step (c). (col 19: lines 21-40)

Referring to claim 37:

The method of claim 25 wherein the conflict resolution step resolves rule conflicts according to a specified conflict resolution order specified in the factor being processed. (col 19: lines 21-40)

Referring to claim 38:

The method of claim 36 wherein the conflict resolution step resolves rule conflicts

according to a specified resolution order specified in the factor being processed. (col 7:

lines 14-29)

Conclusion

7.   Examiner's Note: Examiner has cited particular columns and line numbers in the

references as applied to the claims below for the convenience of the applicant.

Although the specified citations are representative of the teachings in the art and are

applied to the specific limitations within the individual claim, other passages and figures

may apply as well. It is respectfully requested that the applicant, in preparing the

responses, fully consider the references in entirety as potentially teaching all or part of

the claimed invention, as well as the context of the passage as taught by the prior art or
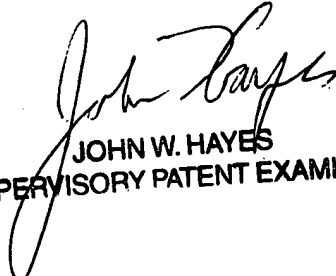
disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to Rob Wu whose telephone number is (571)272-3136.

The examiner can normally be reached on Mon-Fri 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, John Hayes can be reached on (571)272-6708. The fax phone number for

the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

rw

JOHN W. HAYES
SUPERVISORY PATENT EXAMINER